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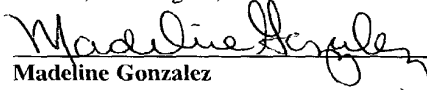
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Heinrich BAUSCHULTE et al.
Serial No. : 10/004,154
Filed : October 30, 2001
For : CUTTING OR BREAKING TOOL AS WELL
AS CUTTING INSERT FOR THE LATTER
Group Art Unit : 3722
Examiner : (Not yet known)

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Madeline Gonzalez

Assistant Commissioner for Patents
Washington, DC 20231

RE-SUBMISSION OF
1) ENGLISH TRANSLATION OF SPECIFICATION,
CLAIMS AND ABSTRACT
2) PRELIMINARY AMENDMENT (A);
3) PRELIMINARY AMENDMENT (B) WITH
MARKED SPECIFICATION AND SUBSTITUTE SPECIFICATION

Sir:

On October 30, 2001, applicant filed a Divisional application of Serial No. 09/453,132, filed December 2, 1999, now U.S. Patent No. 6,354,771, issued March

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12, 2002. Applicant filed with this Divisional application, a Declaration/Power of Attorney, Application Data Sheet, formal drawing, German language specification, Letter Filing English Translation of Specification, Claims and Abstract, Preliminary Amendment (A) and a transmittal letter in duplicate.

Also, on November 19, 2001, applicant filed a Preliminary Amendment (B) along with a Marked Specification and a Substitute Specification.

However, applicant received a Notice to File Missing Parts of Nonprovisional Application dated February 20, 2002 indicating that this application was filed in a foreign language and that an English language specification was required. Applicant telephoned the U.S. Patent Office Initial Patent Examination Division and was informed that these documents have not been matched with the PTO file and would have to be resubmitted.

Therefore, enclosed please find the following documents which are currently being re-submitted herewith as follows:

- A) Applicant's transmittal letter which was filed on October 30, 2001 in the Patent Office;

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- B) Letter dated April 13, 2000 filing English Translation of Specification, Claims and Abstract which was filed with the application;
- C) Preliminary Amendment (A) which was filed with the application;
- D) Postal receipt card (front and back) which was filed with the application and which indicates that the Divisional application was received in the Patent Office on October 13, 2001;
- E) Preliminary Amendment (B) dated November 19, 2001 along with Marked Specification and Substitute Specification which was filed November 19, 2001;
- F) Postal receipt card (front and back) which was filed with Preliminary Amendment (B) and which indicates that Preliminary Amendment (B) was received in the Patent Office on November 27, 2001.

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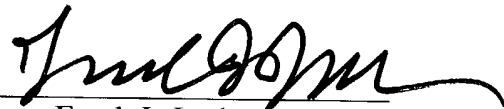
Applicant is re-submitting these documents in U.S. Patent Application Serial No. 10/004,154 because applicant was informed by the Patent Office the originally filed documents were not matched with the Patent Office file.

Applicant believes there is no charge for filing these documents since they were previously filed before issuance of the Notice to File Missing Parts of Nonprovisional Application dated February 20, 2002. However, if there are any charges, please charge to Patent Office Deposit Account No. 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By



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Enc. As indicated above (A to F)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Heinrich BAUSCHULTE et al.

Serial No. : (Not yet known) (U.S. Divisional Application of
U.S. Serial No. 09/453,132 filed December 2, 1999)

Filed : Concurrently herewith

For : CUTTING OR BREAKING TOOL AS WELL AS
CUTTING INSERT FOR THE LATTER

Group Art Unit : (Not yet known)

Examiner : (Not yet known)

Assistant Commissioner
for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT (A)

Sir:

Preliminary to examination, please amend the above-identified patent application as follows:

IN THE CLAIMS:

Please cancel claims 3 and 4.

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REMARKS

This Preliminary Amendment is being submitted to avoid having a multiple dependent claim depend on another multiple dependent claim. It is respectfully requested that the first Office Action be directed to the application as amended herein.

Respectfully submitted,

Jordan and Hamburg LLP

By



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(212) 986-2340

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F-7199

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Heinrich BAUSCHULTE et al.

Serial No. : UNKNOWN (Continuation of 09/453,132)

Filed : October 30, 2001

For : CUTTING OR BREAKING TOOL AS WELL AS
CUTTING INSERT FOR THE LATTER

Group Art Unit : UNKNOWN

Examiner : UNKNOWN

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 on November 19, 2001.

Herbert F. Ruschmann
(Name)

Herbert F. Ruschmann
(Signature)

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

PRELIMINARY AMENDMENT B

Sir:

Preliminary to examination, please amend the above-identified patent application as follows:

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IN THE SPECIFICATION:

A substitute specification and abstract is provided herewith to facilitate prosecution of the application. Additionally, a marked reproduction of the original specification and abstract, showing changes effected in the substitute specification and abstract, is submitted herewith.

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IN THE CLAIMS:

Please cancel claims 1, 2 and 5-7 without prejudice and add the following claims.

- 8. A cutting insert having a longitudinal axis comprising:
- a substantially conical tip;
 - a transition region connected to the substantially conical tip having a periphery, an even number plurality of spatial areas and a plurality of cutting edges between the spatial areas;
 - a foot connected to the transition region; and
 - the plurality of spatial areas being curved concavely in a direction from the foot to the conical tip;
 - wherein the plurality of spatial areas are distributed over the periphery of the transition region and adjoin one another to form the plurality of cutting edges.
9. The cutting insert of claim 8, wherein the plurality of spatial areas are also curved concavely in a circumferential direction of the cutting insert.
10. The cutting insert of claim 9, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.

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11. The cutting insert of claim 8, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.

12. The cutting insert of claim 8, wherein the plurality of spatial areas are flat in a circumferential direction of the cutting insert.

13. The cutting insert of claim 12, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.

14. A cutting insert having a longitudinal axis comprising:

a substantially conical tip;

a transition region connected to the substantially conical tip having a periphery, an even number plurality of spatial areas and a plurality of cutting edges between the spatial areas;

a foot connected to the transition region; and

the plurality of spatial areas being curved concavely in a circumferential direction of the cutting insert;

wherein the plurality of spatial areas are distributed over the periphery of the transition region and adjoin one another to form the plurality of cutting edges.

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15. The cutting insert of claim 14, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.

16. A lathe chisel having a longitudinal axis comprising:

a head;

a tool body having a shaft cooperating with the head and configured for rotatable mounting; and

a cutting insert including:

a substantially conical tip;

a transition region connected to the substantially conical tip having a periphery, an even number plurality of spatial areas and a plurality of cutting edges between the spatial areas;

a foot connected to the transition region and fixedly connected with the head; and

the plurality of spatial areas being curved concavely in a direction from the foot to the conical tip;

wherein the plurality of spatial areas are distributed over the periphery of the transition region and adjoin one another to form the plurality of cutting edges.

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17. The lathe chisel of claim 16, wherein the head has a plurality of head edges and a plurality of head areas distributed over a periphery of the head, said plurality of head areas adjoin one another to form the plurality of head edges.

18. The lathe chisel of claim 17, wherein the plurality of spatial areas and the plurality of cutting edges are offset to the plurality of head edges.

19. The lathe chisel of claim 16, wherein the plurality of spatial areas are also curved concavely in a circumferential direction of the cutting insert.

20. The lathe chisel of claim 19, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.

21. The lathe chisel of claim 16, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.

22. The lathe chisel of claim 16, wherein the plurality of spatial areas are flat in a circumferential direction of the cutting insert.

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23. A lathe chisel having a longitudinal axis comprising:

a head;

a tool body having a shaft cooperating with the head and configured for rotatable mounting; and

a cutting insert including:

a substantially conical tip;

a transition region connected to the substantially conical tip having a periphery, an even number plurality of spatial areas and a plurality of cutting edges between the spatial areas;

a foot connected to the transition region and fixedly connected with the head; and

the plurality of spatial areas being curved concavely in a circumferential direction of the cutting insert;

wherein the plurality of spatial areas are distributed over the periphery of the transition region and adjoin one another to form the plurality of cutting edges.

24. The lathe chisel of claim 23, wherein the head has a plurality of head edges and a plurality of head areas distributed over a periphery of the head, said plurality of head areas adjoin one another to form the plurality of head edges.

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25. The lathe chisel of claim 24, wherein the plurality of spatial areas and the plurality of cutting edges are offset to the plurality of head edges.

26. The lathe chisel of claim 23, wherein the plurality of spatial areas are also curved concavely in a circumferential direction of the cutting insert.

27. The lathe chisel of claim 23, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.

28. The lathe chisel of claim 23, wherein the plurality of spatial areas are inclined to enclose an acute angle with the longitudinal axis at a portion thereof adjacent the conical tip.--

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REMARKS

Claims 8-28 are added and now pending in this application.

The transmittal sheet of the present application indicated that the present application was being filed as a divisional and amended the specification accordingly. However, the present application is actually a continuation. Hence, the amendment present in the transmittal sheet is cancelled.

Applicant submits herewith a substitute specification and abstract wherein amendments are effected to place the text thereof into proper English in accordance with 37 CFR 1.125(c) and to state the following:

This application is a continuation of application serial number 09/478,353, filed December 2, 1999.

Also accompanying this amendment is a reproduction of the original specification and abstract with markings indicating the amendments effected in the substitute specification in accordance with MPEP §608.01(q) and 37 CFR 1.125(b). No new matter is added. Entry of the substitute specification and abstract is respectfully requested.

One claim in excess of twenty is added. Accordingly, please charge the fee of \$18.00 to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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